



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: April 6, 2015

Reference Name	Hamilton Center II (A1400006)		Jurisdiction	City
Applicant	Neil Allen, Horvath Associates, P.A.			
Request Change in Comprehensive Plan Designation	From:	Office		
	To:	Commercial		
Site Characteristics	Tier:	Suburban		
	Present Use:	Office		
	Present Zoning:	Office and Institutional (OI)		
	Overlays:	F/J-B		
	Size:	5.02 acres		
Location	7010 NC Highway 751, in the southwest quadrant of intersection with NC Highway 54			
PINs	0718-01-18-1780			
Recommendations	Staff	Approval, based on the proposal being justified and meeting the four criteria for plan amendments.		
	Planning Commission	Approval, 12-0, February 10, 2015, based on based on the justification, the request’s meeting the four criteria for plan amendments, and information heard at the public hearing.		

A. Summary

The applicant, Horvath Associates, P.A., is proposing changes to the Future Land Use Map (FLUM) and the Zoning Map that would allow the owners to develop a greater mix of commercial uses (e.g., restaurants, retail) on the site. The applicant is proposing to amend the 5.02-acre parcel from Office to Commercial. The applicant is also requesting a Zoning Map Change from Office and Institutional (OI) to Commercial Neighborhood with a development plan (CN(D)). The site is located within the City of Durham; therefore, annexation and utility extension are not under consideration.

B. Site History

The site was once divided into four smaller parcels, but in 2013, these parcels were combined. Prior to the current *Durham Comprehensive Plan*, Durham was divided into planning districts, each with its own small area plan. The *Southwest Durham Plan*, adopted in 1986, recommended that the future land use of the four parcels be designated as High Density Residential (8 DU/Ac. or more).

C. Existing Site Characteristics

The site of the proposed plan amendment consists of a single parcel totaling 5.02 acres. The site is currently occupied by four buildings. The site is relatively flat and contains no significant environmental features. The parcel has frontage along NC Highway 751.

D. Applicant's Plan Amendment Justification

The applicant states that the parcel under consideration ought to be amended from its adopted land use designation (Office) to Commercial because a mix of commercial and office uses would be more compatible with the surrounding uses (residential and commercial). The applicant does propose to limit commercial uses. The applicant further states that the parcel is of a sufficient size and shape to accommodate commercial and office uses, fulfilling both building and parking requirements. The applicant contends that the proposal is consistent with the policy of the *Durham Comprehensive Plan* to concentrate commercial uses at major intersections. The applicant expects no substantial adverse impacts to neighboring parcels, or in the City or County in general, because of stormwater, wetlands and project boundary buffers to be installed along the site's southern boundary.

Staff Response: Staff agrees with the applicant that the proposed plan amendment meets the goal of the *Durham Comprehensive Plan* of concentrating commercial nodes at major intersections. The proposed removal of the Office designation does, however, reduce the amount of Office land available on the FLUM. While the subject parcel is located in an environmentally protected area (note F/J-B overlay), Commercial uses are not prohibited in this area but are subject to more stringent site plan requirements.

A further examination of the applicant's request that this site be designated as Commercial based on the criteria for plan amendments follows.

E. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and

- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

1. Consistency with Adopted Plans and Policies

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. Evaluating the proposed plan amendment for consistency with relevant policies is crucial in determining if changes to the Future Land Use Map are appropriate. The following policies were deemed relevant to the current plan amendment request.

Table 1: Policies in Support of a Commercial Use
<i>Policy 2.2.2e. Suburban Tier Commercial Development.</i> Discourage auto-oriented commercial “strip” development and instead encourage commercial “nodes” with appropriately designed internal connections at key locations along major transportation corridors. (See Policy 4.2.3a, Commercial Development Design).
<i>Policy 2.2.2f. Suburban Tier Spacing of Commercial Nodes.</i> The City-County Planning Department shall use the following standards when evaluating requests for new commercial development in the Suburban Tier: <ul style="list-style-type: none">i. Separate distinct nodes of commercial development by a distance of at least one-half mile, measured from the outermost edge of the node;ii. Cluster commercial uses at intersections of thoroughfares; andiii. Restrict new, isolated, mid-block commercial uses.

Amending the Future Land Use Map to Commercial is consistent with the abovementioned policy statements. The Plan seeks to promote the concentration of commercial uses at major traffic intersections so as to avoid patterns of strip commercial development. The Plan seeks to space these nodes at a distance of one every half mile. Currently, the commercial node to which the subject site proposes to attach is spaced one mile east of a commercial node in one direction, and 0.6 miles north of another. The subject site’s placement at the southwestern corner of the existing node serves to help close the distance between the subject node and other nodes so that it more closely meets the minimum distance requirement.

Staff Conclusion: This proposed plan amendment is consistent with adopted plans and policies and therefore meets criterion 3.4.7A.

2. Compatibility with Existing Development and Future Land Use Patterns

This site is located south of the intersection of NC Highway 751 and NC Highway 54, and 0.9 miles north of Interstate 40. Located in southern Durham, not far from the rapidly developing Interstate 40 corridor, it is near land owned by the United States Army Corps of Engineers for protection of Jordan Lake, an environmentally sensitive area. In the immediate vicinity, the primary designations are Medium Density Residential (6–12 DU/Ac.), Commercial, and Office.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Office, Commercial	Office, Commercial
East	Commercial, Vacant	Office
South	Single-family residential	Medium Density Residential
West	Offices	Office

Existing Uses: The site of the proposed plan amendment is bordered to the west by an office complex, and to the south by single-family homes. North and east of the site are commercial establishments.

Future Land Use Designations: Land to the north, east, and south of the site is designated Office. A moderately-sized node of Commercial attached to the site is located to the northeast. Parcels immediately south of the site are designated Medium Density Residential (6–12 DU/Ac.) but have not been developed to that intensity at this time.

Analysis: The subject site is located in a rapidly developing area of Durham, at the intersection of several major thoroughfares, with close proximity to Interstate 40. Residential development in this area is also expanding and can thus support the expansion of a commercial node. The subject site is contiguous to an existing commercial node and can be integrated with that node. There is an existing non-residential development on the site. This proposal therefore supports City and County policies that promote compatible land usage and future development patterns.

Staff Conclusion: The proposed plan amendment is consistent with designated future land uses in the area and therefore meets criterion 3.4.7.B.

3. Adverse Impacts

Infrastructure: A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (*Objective 2.3.2, Infrastructure Capacity*). Toward that end, *Policy 2.3.2a., Infrastructure Capacity*, directs the City-County Planning Department to consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas.

Durham Comprehensive Plan Policy 8.1.2a, Traffic Level of Service (LOS) Standards, states that the LOS for roads in the Suburban Tier shall achieve a minimum of LOS D.

Analysis: A Traffic Impact Analysis was required as part of the zoning map change process. NC Highways 751 and 54 are the major roads potentially affected by the

proposed development. There are no scheduled NCDOT roadway improvement projects in the area. The affected segment of NC Highway 751 is designed to accommodate 17,700 of annual average daily traffic (AADT), and the affected segment of NC Highway 54 is designed to accommodate 18,600 AADT. According to the most recent traffic volume count, the annual average daily trips (AADT) were 15,000 and 18,000 respectively (nearing full capacity). Development under the proposed Commercial designation would likely result in an additional 1,750 AADT over the existing Office designation. Transit services are provided along NC Highway 751, with bus stops along the site frontage and directly opposite to the site.

A detailed assessment of traffic impacts and commitments is included in the zoning map change staff report.

Future Demand for Land Uses: *Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses*, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

Analysis: The proposed FLUM amendment would convert approximately five acres from Office to Commercial. The 2013 Evaluation and Assessment Report of the Durham Comprehensive Plan (2013 EAR, case A1400002) reported that the amount of Office land available to meet projected demand in 2040 is approximately equal to the amount of Office land currently available on the FLUM. While these five acres may not be significant as regards the County as a whole, staff and policy makers should be aware of the needs for office land in the future.

Environment: The site is located in a watershed protection overlay (F/J-B). The site is therefore subject to more stringent UDO standards.

Staff Conclusion: The proposed plan amendment does not create any substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

4. Adequate Shape and Size

The area requested for amendment is approximately 5.02 acres in total, and is of sufficient shape and size for low-density residential development in the Suburban Tier.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

F. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Trenton Homeowners Association
- Fairfield Community Awareness Committee
- Jordan Lake Resource Management
- Keep Durham Beautiful
- Downing Creek Community Association
- New Hope Advisory Committee
- North Garrett Road Committee
- Inter-Neighborhood Council
- People's Alliance
- Durham Justice and Fairness Inter-Neighborhood Association
- Partners Against Crime – District 3

G. Recommendations

Staff recommends approval, based on the proposal being justified and meeting the four criteria for plan amendments. Planning Commission recommended approval, 12-0, at its February 10, 2015 meeting, based on the justification, the request's meeting the four criteria for plan amendments, and information heard at the public hearing.

H. Staff Contact

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I. Attachments

Attachment 1, Proposed Change Map
Attachment 2, Area Context Map
Attachment 3, Aerial Image
Attachment 4, Applicant's Justification Statement
Attachment 5, Planning Commission Written Comments
Attachment 6, Resolution